

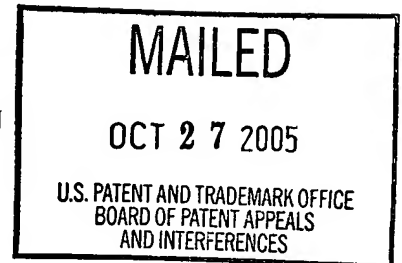
The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHEN BUSWELL, RIO T. RIVAS,
MEHRGAN KHAVARI, PAUL TEMPLIN,
MARK H MACKENZIE and CONRAD JENSSEN

Application No. 10/061,492



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 18, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) on July 6, 2004. It is not clear from the record whether or not

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this IDS has been considered and the Form 1449 needs to be signed. The examiner needs to consider the Information Disclosure Statement and acknowledge such consideration.

EXAMINER'S ANSWER

A review of the Examiner's Answer, Mailed February 15, 2005, reveals that it is not in compliance with the headings as set forth in the new rules which went into affect September 13, 2004. Accordingly, the Examiner's Answer does not comply with the new rules under 37 CFR § 41.37.

Further, clarification of Claim 47, which was rejected in the Advisory Action mailed November 3, 2004, but not included in the Examiner's Answer mailed February 15, 2005 is required.

Accordingly, it is

Ordered that the application is returned to the Examiner for

- 1) consideration and proper written response to the Information Disclosure Statement filed July 6, 2004,
- 2) the examiner's signature on the Form 1449 is required;
- 3) vacate the Examiner's Answer dated February 15, 2005,
- 4) prepare a corrected Examiner's Answer to include all appropriate headings as required under 37 CFR § 41.37;
- 5) clarification of as to the status of Claim 47 is required; and

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6) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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